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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91226825
Party	Defendant Carken Design, LLC
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Date	04/18/2016
Attachments	Applicant's Answer to Notice of Opposition.91226825.18apr16.pdf(53073 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**IN THE MATTER OF APPLICATION**

Mark : LULU BELLA  
Applicant : Carken Design, LLC  
Serial No. : 86/704,924  
Filed : July 26, 2015  
Published in  
the Official Gazette : February 9, 2016

**VIA ELECTRONIC FILING:**  
April 18, 2016

Color Image Apparel, Inc.,

Opposer,

v.

Carken Design, LLC,

Applicant.

**ANSWER**

Opposition No. 91226825

**ANSWER**

Applicant Carken Design, LLC (“Carken Design” or “Applicant”), hereby answers the Notice of Opposition filed by Color Image Apparel, Inc. (“Color Image” or “Opposer”) against Carken Design’s Serial No. 86/704,924 (the “Mark”) , as follows:

1. Applicant does not have sufficient information to admit or deny any of the allegations made in paragraph 1 and, therefore, denies the same.
2. Applicant does not have sufficient information to admit or deny any of the allegations made in paragraph 2 and, therefore, denies the same.

3. Applicant does not have sufficient information to admit or deny any of the allegations made in paragraph 3 and, therefore, denies the same.

4. Applicant does not have sufficient information to admit or deny any of the allegations made in paragraph 4 and, therefore, denies the same.

5. Applicant does not have sufficient information to admit or deny any of the allegations made in paragraph 5 and, therefore, denies the same.

6. Applicant does not have sufficient information to admit or deny any of the allegations made in paragraph 6 and, therefore, denies the same.

7. Applicant does not have sufficient information to admit or deny any of the allegations made in paragraph 7 and, therefore, denies the same.

8. Applicant does not have sufficient information to admit or deny any of the allegations made in paragraph 8 and, therefore, denies the same.

9. Applicant admits the allegations made in paragraph 9.

10. Applicant admits the allegations made in paragraph 10.

11. Applicant does not have sufficient information to admit or deny any of the allegations made in paragraph 11 and, therefore, denies the same.

12. Applicant admits the allegations made in paragraph 12.

13. Applicant does not have sufficient information to admit or deny any of the allegations made in paragraph 13 and, therefore, denies the same.

14. Applicant denies the allegations in Paragraph 14.

15. Applicant denies the allegations in Paragraph 15.

16. Applicant admits the allegations made in paragraph 16.

**First Defense**

The Notice of Opposition fails to state a claim on which relief can be granted.

**Second Defense**

Applicant and Opposer serve different markets with their trademarks, there is no margin of confusion between the parties' products, nor of the applications or the marking of the products.

**Third Defense**

The Applicant's Mark for which registration is being sought is not likely to cause confusion with any of Opposers's marks or products, if any.

WHEREFORE, Applicant prays as follows:

- (a) this opposition be dismissed; and
- (b) Application Serial No. 86/704,924 be issued and registered to the Applicant.

Dated: April 18, 2016

Attorney for Applicant



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 18th day of April, 2016, a true copy of the foregoing ANSWER and AFFIRMATIVE DEFENSES was served in the following manner,

**VIA FIRST CLASS MAIL AND EMAIL**

Lindsay J. Hulley  
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**CERTIFICATE OF ELECTRONIC FILING**

The undersigned certifies that this submission is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals (ESTTA) on this 18th day of April, 2016.

Attorney for Applicant



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